

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRADLEY LANDWEHR)
)
 Plaintiff,)
)
 v.) Case No. 4:16-CV-00486 JAR
)
 CITY OF GERALD, MO, et al.,)
)
 Defendants.)

JOINT STIPULATION OF UNCONTESTED FACTS
AND STATEMENT OF THE CASE

COME NOW Plaintiff and Defendants and hereby enter into the following Joint Stipulation of Uncontested Facts:

1. Bradley Landwehr was the Public Works Director for the City of Gerald prior to his termination on April 4, 2015.
2. The Public Works Director is an appointed position in the City of Gerald.
3. On July 12, 2007, Nick Grube was appointed as Public Works Director, upon then-Alderman Bradley Landwehr's Motion, which was approved by the Board of Aldermen.
4. On December 2, 2009, Bradley Landwehr was appointed as Public Works Director, and Nick Grube was demoted to laborer.
5. On July 18, 2012, the Board terminated Bradley Landwehr and re-appointed Nick Grube as Public Works Director.
6. On April 11, 2013, Bradley Landwehr was reappointed as Public Works Director at the first meeting of the Board of Aldermen after the April 2013 municipal election.

7. On July 9, 2013, Nick Grube was terminated as an employee of the City of Gerald.
8. Bradley Landwehr was terminated by the then Board of Aldermen as the City of Gerald's Public Works Director on February 24, 2015.
9. On February 27, 2015, Bradley Landwehr was reinstated as the City's Public Works Director by the Board.
10. Keith Wehmeyer, Otis Schultz, and Jeffrey Landwehr ran for mayor of the City of Gerald, Missouri in the April 2015 municipal election.
11. Keith Wehmeyer was elected mayor of the City of Gerald on April 4, 2015. He was sworn in as mayor of the City of Gerald on April 14, 2015.
12. Prior to being elected mayor of the City of Gerald, Keith Wehmeyer served on the Board of Aldermen of the City of Gerald.
13. Stephen Grgurich was elected to the Board of Aldermen of the City of Gerald on April 4, 2015. He was sworn in as a member of the Board of Aldermen on April 14, 2015.
14. Hillary Ward was elected to the Board of Aldermen of the City of Gerald in April 2014. She served on the Board of Aldermen on April 14, 2015.
15. The other two members of the Board of Aldermen of the City of Gerald on April 14, 2015 when Bradley Landwehr was terminated were Annette Justus and Tommie Lowe.
16. Ms. Justus and Mr. Lowe did not vote to terminate Plaintiff.
17. Bradley Landwehr was fired at the first meeting of the Board of Aldermen after the April 2015 municipal election.
18. Gerald has no policy or ordinance prohibiting city employees from campaigning

in support of residents running for elected office in the city.

19. The acts of the Defendants were taken under color of state law. (OBJECTION BY DEFENDANTS: “Color of Law” is a term of art which should only be read to the Jury with a definition and an explanation of what it means.)

STATEMENT OF THE CASE

Plaintiff is Bradley Landwehr, who was employed as the City of Gerald, Missouri’s Public Works Director at all times relevant. Defendants are the City of Gerald, Missouri, Keith Wehmeyer, Hillary Ward, and Stephen Grgurich. Mr. Wehmeyer was the mayor of the City of Gerald and Ms. Ward and Mr. Grgurich were on the Gerald Board of Aldermen when Plaintiff was fired as the City’s Public Works Director on April 14, 2015 by the Defendants. In his lawsuit, Plaintiff alleges that he was fired in violation of his 1st Amendment rights for supporting and campaigning for his brother, Jeff Landwher, who was running for mayor of the City of Gerald against Defendant Wehmeyer. The Defendants deny that they fired Plaintiff for those reasons.

Respectfully submitted,

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